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C O N F I D E N T I A L GENEVA 002102

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E.O. 12958: DECL: 08/29/2016

TAGS: [MCAP](#) [PARM](#) [PREL](#) [RS](#)

SUBJECT: ANTI-VEHICLE MINE PROTOCOL: ENGAGING RUSSIA ON NEW  
APPROACH

REF: A. STATE 31901

- [1](#)B. MOSCOW 2592
- [1](#)C. MOSCOW 3860
- [1](#)D. STATE 66358
- [1](#)E. MOSCOW 4265 (PARA 16-17)
- [1](#)F. GENEVA 1569 (PARA 3)

Classified By: CDA Judith Chammas. Reason: E.O. 12958 1.4 (d)

[1](#)1. (U) This is an action request. Mission Geneva requests that Department ask Embassy Moscow to convey the points at para 5 to appropriate host government officials in the MFA's Department of International Security and Arms Control (note: MFA/DVBR Director Anatoliy Antonov has been involved in ongoing discussions) at the earliest opportunity, drawing on background (paras 2-4) as appropriate. Embassy is requested to report any substantive comments on this issue. Points may be left with interlocutor as a non-paper.

[1](#)2. (SBU) Background: In 2002, the USG and 29 other states proposed a Protocol on Mines other than Anti-personnel Mines (MOTAPM) at the Meeting of States Parties to the Convention on Conventional Weapons (CCW). CCW operates by consensus. Russia consistently has opposed the conclusion of a MOTAPM protocol, and has been particularly concerned about any obligation that would establish requirements for detectability and limit the active life of Russia's MOTAPM.

[1](#)3. (C) As reflected in reftels, with Embassy's assistance the USG repeatedly has urged the GOR not to block the adoption of a MOTAPM protocol that has wide support. We exchanged non-papers with the Russians, contained ref (d), which also provide relevant background. On June 23, at the end of the last CCW meeting, USDEL (Bettauer and Hodson) met with Russia (MFA/DVBR Director Anatoliy Antonov and Deputy Director Sergey Koshelev) to float an idea of allowing states to opt out of provisions on detectability and active life of MOTAPM.

Antonov made clear that he was not prepared to accept, and was prepared to block, a protocol with these provisions, but that he might consider a protocol focused on cooperative measures. In view of this, and in the interest of making it possible to adopt a protocol by consensus that makes at least some humanitarian progress, the USG has revised its position.

We accept at face value Antonov's comment and are prepared to see the provisions on detectability and active life pulled out of the protocol and moved to optional annexes. States joining the protocol would not be bound by those provisions unless they decided to take on those additional commitments. We believe this should fully address Russia's concerns. We expect to have some difficulty persuading the European Union and others who continue to support our earlier position, but we may be able to engage all delegations in this approach as

a compromise if we can obtain a Russian signal that this approach is an acceptable basis for adoption of a protocol in November.

14. (C) The Group of Governmental Experts of CCW currently is meeting in Geneva. The Brazilian CD ambassador tasked by the conference as the MOTAPM Coordinator introduced a paper in advance of the meeting that had no provisions on detectability or active life but said the solution needed to be worked out separately and inserted. On August 29, the U.S. delegation met with members of the Russian delegation (Andrey Malov, Gen. Averchinko, and Sergey Kharchev) and explained the "opt in" approach on active life and detectability. USDEL provided text set out para 6 below and explained it in detail (Embassy may also leave copy.). Russian del understood that the new approach was designed to accommodate concerns expressed by Antonov in June, expressed appreciation for the USG effort, and promised to give careful study to the new approach. It is clear that only Antonov can decide whether Russia will accept this approach, and we again ask Embassy's assistance in seeking to persuade him that we have taken on board his concerns and, through our "opt-in" approach, have shown that we are prepared to accommodate them.

15. (C/Rel Russia) Begin talking points:

-- As you know, the U.S. delegation has met repeatedly with your Convention on Conventional Weapons ("CCW") delegation over the past several years to understand your concerns about a MOTAPM protocol and to address them.

-- The United States and other CCW states parties consistently have argued for strong provisions on active life and detectability, because we believe this would address most effectively the humanitarian problem posed by anti-vehicle landmines.

-- In response, you have made clear that Russia is not currently in a position to accept binding obligations required to limitations on active life or detectability.

-- Mr. Antonov's comments to the U.S. delegation on June 23 made clear that Russia would not accept a protocol focused on detectability and active life of MOTAPM, but that Russia could consider a protocol focused on cooperation and other matters such as transfers.

--Given that firm position, we are prepared to seek as a solution a protocol that does not contain commitments on detectability and active life, but rather would allow states that join to decide whether to undertake supplemental commitments in these areas.

--Under this approach, a state that wished to be legally bound could "opt in" to these requirements, either at the time it acceded to the Protocol or at any time in the future. A state that did not wish to be legally bound would not need to "opt in," but would be bound by the provisions in the body of the Protocol, including provisions on transfers and cooperation.

--This approach is analogous to adherence to the CCW itself, which allows State Parties to "opt in" to protocols. It recognizes that each state must make its own decision to be bound by new legal obligations, but offers the opportunity for states willing to do so now or in the future to make a broader commitment.

--We explained this approach to the Russian delegation at the CCW meeting on August 29. It directly responds to the concerns Mr. Antonov expressed in June. We urge that you consider it favorably. Although much work will be involved, we are prepared to engage the co-sponsors of our previous proposal in accepting this approach.

-- We hope this new approach will allow for adoption by consensus of a MOTAPM protocol in November.

End points.

¶6. Begin text of proposal:

Proposal Concerning Detectability and Active Life

¶1. Insert the following article in place reserved for Article 3 and 4 in CCW/GGE/XV/WG.2/1, and renumber the subsequent articles accordingly:

Article 3

Detectability and active life of anti-vehicle mines

¶1. At the time of submittal to the Depositary of its instrument expressing its consent to be bound to this set of provisions, a State may submit a written declaration agreeing to be bound by Optional Annex A on detectability or Optional Annex B on active life, or agreeing to be bound by both.

¶2. A declaration referred to in paragraph 1 may also be submitted to the Depositary by a State that has previously expressed consent to be bound by this set of provisions at any time after the entry into force of this set of provisions for that State.

¶3. A declaration referred to in paragraph 1 or 2 may stipulate that it is effective immediately or may stipulate a specific date upon which it shall be effective.

¶2. Replace paragraph 1(b) of article 9 in CCW/GGE/XV/WG.2/1 with the following:

&(b) which does not meet the standards for detectability and active life of MOTAPM/AVM contained in Optional Annex A and Optional Annex B, except for the purpose of destruction or for development of and training in mine detection, mine clearance, or mine destruction techniques;

¶3. Add the following two annexes at the end of CCW/GGE/XV/WG.2/1:

Optional Annex A

Detectability of anti-vehicle mines

¶1. It is prohibited to use anti-vehicle mines which are not detectable.

¶2. An anti-vehicle mine is detectable if, upon emplacement, it provides a response signal equivalent to a signal from eight grammes or more of iron in a single coherent mass buried five centimetres beneath the ground and can be detected by commonly-available technical mine detection equipment.

¶3. Anti-vehicle mines used in a perimeter-marked area are excluded from the detectability requirement of this Annex.

Optional Annex B

Active life of anti-vehicle mines

¶1. It is prohibited to use anti-vehicle mines that do not incorporate a self-destruction mechanism or a mechanism for self-neutralization designed and constructed so that no more than ten percent of activated mines will fail to self-destruct within thirty days after emplacement.

¶2. It is prohibited to use anti-vehicle mines that do not incorporate a back-up self-deactivation feature that is designed and constructed so that, in combination with the mechanism referred to in paragraph 1, no more than one in one thousand activated mines will function as a mine one hundred twenty days after emplacement.

¶3. Anti-vehicle mines used in a perimeter-marked area are excluded from the requirements of this Annex.

¶4. Delete paragraph 4 of Technical Annex B in

CCW/GGE/XV/WG.2/1, renumber paragraph 5 accordingly, and conform the cross-reference in article 12

End text of proposal.

[¶](#)7. (U) Please ask Embassy Moscow to slug responses for L, ISN, PM, EUR, DOD and JCS, and to info Mission Geneva.  
CHAMMAS